



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

**MEETING DATE:** July 20, 2011

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Public hearing to consider the Report for Sidewalk Repairs and to confirm the report as submitted by the Public Works Department.

**BACKGROUND INFORMATION:** At the public hearing, Council will consider the Report for Sidewalk Repairs and hear protests from the public. Following the public hearing, the Council will be asked to confirm the cost of repairs report, assess the cost of repairs to the affected property, and order the preparation of a Notice of Lien to be filed with the San Joaquin County Recorder's office.

This year's report includes one property where the City performed repairs that are the owner's obligations. As a part of the City's sidewalk maintenance program, the City notified the property owner on September 12, 2008 that her sidewalk at 1235 South Pleasant Avenue needed to be repaired. Public Works staff granted several extensions to have the repairs completed, and as of March 2011, the work still had not been performed.

The City's Curb, Gutter and Sidewalk Maintenance Policy, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

Street Address	cost	Work Accomplished
1235 South Pleasant Avenue	\$1,839.38	Failed to perform. City completed repair; billed property owner.

Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the San Joaquin County Recorder's office. To date,

APPROVED:

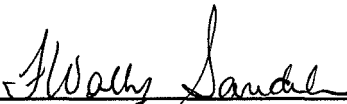
A handwritten signature in black ink, appearing to read "Konradt Bartlam".

Konradt Bartlam, City Manager

there have been eight properties that have had a Notice of Lien turned over to the San Joaquin County Recorder's office, three of which have been released after payment was received. It is staffs recommendation that this current practice continue and a Notice of Lien for the property be turned over to the San Joaquin County Recorder's office.

**FISCAL IMPACT:** Placing a lien on the property will ensure that the Street Fund will be reimbursed \$1,839.38 plus interest for the cost of repairing the sidewalk.

**FUNDING AVAILABLE:** None required.

  
\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst

FWS/RAY/pmf

cc: Charles Swimley, Deputy Public Works Director - Utilities  
Property Owner, 1235 S. Pleasant Ave



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT: PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK  
REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY  
THE PUBLIC WORKS DEPARTMENT**

**PUBLISH DATE: SATURDAY, JULY 9, 2011**

**LEGAL AD**


**TEAR SHEETS WANTED: One (1) please**

**SEND AFFIDAVIT AND BILL TO:  
LNS ACCT. #0510052**

RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED: THURSDAY, JULY 7, 2011**

**ORDERED BY: RANDI JOHL  
CITY CLERK**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

MARIA BECERRA  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

Faxed to the Sentinel at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
LNS \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ CF \_\_\_\_\_ MB \_\_\_\_\_ JMR (initials)



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT**

On Friday, July 8, 2011, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library  
Lodi City Clerks Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 8, 2011, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT**

On Thursday, July 7, 2011, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department, attached hereto marked Exhibit **A**. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 7, 2011, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK, CITY OF LODI**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF PUBLIC HEARING

Date: July 20, 2011

Time: 7:00 p.m.

For information regarding this notice please contact:

**Randi Johl,**

**City Clerk**

**Telephone: (209)333-6702**

**EXHIBIT A**

### NOTICE OF PUBLIC HEARING

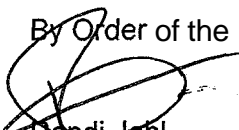
**NOTICE IS HEREBY GIVEN** that on **Wednesday, July 20, 2011**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

**a) Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.**

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

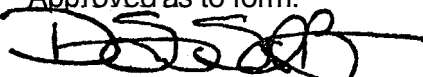
By Order of the Lodi City Council:



Randi Johl  
City Clerk

**Dated: July 6, 2011**

Approved as to form:



D. Stephen Schwabauer  
City Attorney

**Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the  
Report as Submitted by the Public Works Department**

**MAILING LIST**

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Property Owner  
1235 S. Pleasant Avenue  
Lodi, CA 95240

CITY COUNCIL

BOB JOHNSON, Mayor  
JOANNE L. MOUNCE,  
Mayor Pro Tempore  
LARRY D. HANSEN  
PHIL KATZAKIAN  
ALAN NAKANISHI

**CITY OF LODI**  
**PUBLIC WORKS DEPARTMENT**

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710  
EMAIL [pwdept@lodi.gov](mailto:pwdept@lodi.gov)  
<http://www.lodi.gov>

KONRADT BARTLAM  
City Manager  
RANDI JOHL  
City Clerk  
D. STEVEN SCHWABAUER  
City Attorney  
F. WALLY SANDELIN  
Public Works Director

July 13, 2011

US Bank National Association  
4875 Belfort Road, Ste. 130  
Jacksonville, FL 32256

SUBJECT: Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, July 20, 2011. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Randi Johl, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Rebecca Areida-Yadav, Management Analyst, at (209) 333-6800, extension 2658.



for:

F. Wally Sandelin  
Public Works Director

FWS/pmf

Enclosure

cc: City Clerk